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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CURTIS AND CHARLOTTE WESTLEY,)	No. C11-02448-EMC
Individually and on Behalf of All Others)	and related consolidated action
Similarly Situated,)	(Lead Case No. C11-3176-EMC)
)	(Derivative Action)

Plaintiffs,

vs.

OCLARO, INC., et al.,

Defendants.

In re OCLARO, INC. DERIVATIVE
LITIGATION

Lead Case No. C11-3176-EMC
(Derivative Action)

This Document Relates To:

Westley v. Oclaro, Inc., et al.,
C11-02448-EMC.

STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT
CONFERENCE AND EXTENDING DISCOVERY STAY

1 WHEREAS, on May 19, 2011, plaintiffs Curtis and Charlotte Westley filed a complaint
2 against defendants Oclaro, Inc., Alain Couder, Jerry Turin and James Haynes (Dkt. No. 1);

3 WHEREAS, on January 30, 2013, the Court entered a minute order, that *inter alia* limited
4 discovery to the issue of scienter with respect to certain statements and set a discovery cutoff, a
5 deadline for the filing of the Third Amended Complaint (“TAC”), briefing schedules in connection
6 with defendants’ motion to dismiss the TAC and defendants’ motion for summary judgment with
7 respect to scienter for the May and June statements, and an oral argument date for the motion for
8 summary judgment (Dkt. No. 111);

9 WHEREAS, on May 2, 2013, the Court approved the parties’ joint stipulation to stay all
10 proceedings and deadlines in this action, with the exception of proceedings related to the motion to
11 dismiss the TAC, until such time as the Court rendered a decision on defendants’ motion to dismiss
12 the TAC and modified the Court’s January 30, 2013 minute order to provide the following: (i) the
13 discovery cutoff shall be five weeks after the Court rules on defendants’ motion to dismiss the TAC;
14 (ii) defendants’ summary judgment motion shall be filed no later than 14 days after the discovery
15 cutoff; and (iii) a hearing on the motion shall be set for the first Thursday on which Judge Chen is
16 available, at 1:30 p.m., which is at least 35 days after the motion for summary judgment is filed (Dkt.
17 No. 153);

18 WHEREAS, on May 30, 2013, the Court issued an order granting defendants’ motion to
19 dismiss the TAC with prejudice as to the scienter allegations for alleged misrepresentations in July
20 and August 2010 (Dkt. No. 157);

21 WHEREAS, on June 17, 2013, the Court approved the parties’ joint stipulation to (i) keep the
22 Case Management Conference (“CMC”) on calendar, for July 18, 2013 at 10:30 a.m.; (ii) adjourn the
23 hearing on defendants’ motion for summary judgment; and (iii) continue the stay of all proceedings
24 and deadlines in this action, including discovery deadlines, until after the CMC and a schedule for
25 the remainder of the action is in place (Dkt. No. 160).

26 WHEREAS, the parties have met and conferred in good faith concerning the prospects for a
27 non-litigated resolution of this action, and have scheduled a mediation for August 27, 2013 before
28 the Honorable Layn R. Phillips (Ret.);

1 WHEREAS, the parties have agreed, subject to the Court's approval, to continue the CMC
2 presently set for July 18, 2013 at 10:30 a.m., to September 12, 2013 at 10:30 a.m., or another date
3 thereafter that is convenient to the Court;

4 WHEREAS, the parties have agreed, subject to the Court's approval, that the Joint CMC
5 Statement shall be due one week prior to the date of the CMC;

6 WHEREAS, the parties have agreed, subject to the Court's approval, to continue the stay of
7 all proceedings and deadlines in this action, including all discovery deadlines, until after the CMC is
8 held, and a court-approved schedule for the remainder of the action is in place; and

9 WHEREAS, the parties enter this stipulation, not for the purposes of delay, but to efficiently
10 manage this case going forward;

11 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
12 stipulate as follows:

13 1. Subject to the Court's approval, the CMC, currently set for July 18, 2013 at 10:30
14 a.m., shall be continued to September 12, 2013 at 10:30 a.m., or another date thereafter that is
15 convenient for the Court.

16 2. The Joint CMC Statement shall be due one week prior to the CMC.

17 3. All proceedings and deadlines, including discovery deadlines, in this action are stayed
18 until after the CMC is held and a court-approved schedule for the remainder of the action is in place.

19
20 DATED: July 11, 2013

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DATED: July 11, 2013

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Certificate Pursuant to Local Rule 5-1(i)(3)

I, Shawn A. Williams, am the ECF User whose identification and password are being used to file the STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND EXTENDING DISCOVERY STAY. In compliance with Local Rule 5-1(i)(3), I hereby attest that Gidon M. Caine has concurred in this filing.

Dated: July 11, 2013

s/ Shawn A. Williams
SHAWN A. WILLIAMS

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____
THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 11, 2013.

s/ Shawn A. Williams
SHAWN A. WILLIAMS

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Mailing Information for a Case 3:11-cv-02448-EMC

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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